

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CATHEDRAL OF HOPE,	§	
	§	
Plaintiff,	§	
	§	Civil Action No. 3:07-CV-1555-D
VS.	§	
	§	
FEDEX CORPORATE SERVICES, INC.,	§	
	§	
Defendant.	§	

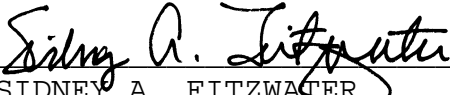
MEMORANDUM OPINION
AND ORDER

On May 30, 2008 the court held in a memorandum opinion and order that plaintiff Cathedral of Hope ("CH") failed to introduce evidence that would permit a reasonable jury to find that CH has satisfied the elements of its claims of equitable estoppel or waiver. See *Cathedral of Hope v. Fedex Corporate Servs., Inc.*, 2008 WL 2242546 (N.D. Tex. May 30, 2008) (Fitzwater, C.J.). The court raised, *sua sponte*, that defendant Federal Express Corporation (incorrectly pleaded as FedEx Corporate Services, Inc.) ("FedEx") is entitled to summary judgment dismissing these defenses of CH to the invocation of the \$100 liability limitation. The court provided CH an opportunity to oppose summary judgment on this basis by filing a supplemental brief and an appendix within 30 days from the filing of the memorandum opinion and order. CH did not file a supplemental brief because the parties resolved the matter and requested that the court rule on this issue.

Accordingly, the court grants summary judgment in favor of FedEx and limits CH's claim for contract damages to \$100. All other relief sought by CH is hereby denied.

SO ORDERED.

December 19, 2008.



SIDNEY A. FITZWATER
CHIEF JUDGE